

180

POMEROY, CHAS. L., et. ux., Carmelita A.

WARRANTY DEED

JUAN DE HERRERA LATERAL (104)

0023-0077-0012-00

11-(12) Texas

781

THE STATE OF TEXAS, }
COUNTY OF EL PASO.

KNOW ALL MEN, BY THESE PRESENTS:

That we, Chas. L. Pomeroy and Carmelita A. Pomeroy, husband and wife,

of the County of El Paso, State of Texas, in consideration of the sum of
One Hundred forty and 0/100 (\$140.00)

DOLLARS,

to us in hand paid by The United States of America, in pursuance of
the provisions of the act of June 17, 1902 (32 Stat. 388),

the receipt of which is hereby acknowledged

has ye Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said
The United States of America

~~of the County of~~ ~~and~~ ~~of~~, all that certain
tract or parcel of land, lying in the County of El Paso and State of Texas and more particularly described as
follows, to-wit:

A tract of land in the east half of the southeast quarter of sec-
26, T. 31 S., R. 6 E., United States Reclamation Service survey, Yaleta
Grant, being all the land owned by the Grantors herein included in a tract
of land 60 feet wide lying 30 feet on each side of a center line described
as follows: Beginning at station 213 plus 76.4 of said center line, a
point on the property line between the Grantors herein and R. B. Homan,
said property line bearing north 52°53' east and south 45°48' west, from
which point a concrete post, the northwest corner of land of the Grantors
herein bears south 45°48' west 46 feet and the southeast corner of said
section 26 lies south 1350.7 feet and east 834.3 feet; thence south 44°
55' 30" east 179.5 feet; thence to the right along the arc of a curve
tangent to the last course and having a radius of 287.9 feet a distance of
106 feet; thence south 23°43'30" east 573.7 feet; thence to the left along
the arc of a curve tangent to the last course and having a radius of
637.3 feet a distance of 105.7 feet; thence south 33°14'30" east 242.1
feet to station 225 plus 83.4 of said center line, a point on the property
line of the Grantors herein and Chas. Davis, said property line bearing
north 46°38'30" east, from which point a concrete post common to the cor-
ners of the Grantors, R. B. Homan, Chas. Davis, and J. R. Guerra tracts of
land bears south 46°38'30" east 13.6 feet and the southeast corner of
said sec. 26 lies south 315.8 feet and east 234 feet; said tract of land
herein described containing one and forty-nine hundredths (1.49) acres,
more or less;

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and ap-
purtenances thereto in anywise belonging, unto the said

The United States of America and its

~~heirs~~ and assigns forever; and we do hereby bind ourselves, our
heirs, executors and adminis-
trators, to Warrant and forever Defend, all and singular, the said premises unto the said
The United States of America and its

heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS our hand at El Paso, Texas, this day of
A. D. 1918

Witnesses at Request of Grantor

CHAS L. POMEROY
CARMELITA A POMEROY

THE STATE OF TEXAS, }
COUNTY OF EL PASO.

BEFORE ME, Francine Lucy

Notary Public in and for El Paso, County, Texas, on this day personally appeared
Francine Lucy

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 1st day of July A. D. 1916

FRANCINE LUCY
Notary Public El Paso Co. Tex

THE STATE OF TEXAS, }
COUNTY OF EL PASO.

BEFORE ME, Francine Lucy

Notary Public in and for El Paso, County, Texas, on this day personally appeared
Fernelita A. Moneroy wife of Thomas A. Moneroy

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the said Fernelita A. Moneroy acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 1st day of July A. D. 1916

FRANCINE LUCY
Notary Public El Paso Co Texas

THE STATE OF TEXAS, }
COUNTY OF EL PASO.

I, W D Greet Clerk of the County Court

of said County do hereby certify that the above instrument of writing, dated on the 1 day of July, A. D. 1916 with its certificate of authentication, was filed for record in my office this 3 day of July A. D. 1916, at 9:00 o'clock A. M. and duly recorded the 10 day of July A. D. 1916 at 2:00 o'clock P. M. in the records of said County, in Volume 322 on pages 57

Witness my hand and the seal of the County Court of said County, at office in El Paso, Texas, the day and year last above written.

W D GREET
Clerk, County Court.

By I M Woodard, Deputy.

TO

WARRANTY DEED

Single and Wife's Separate Acknowledgment

Filed for record 1916

at 9:00 o'clock A. M.

Clerk, County Court, El Paso County, Tex.

By I M Woodard

Deputy.

El Paso, Texas, September 12, 1918.

From Assistant District Counsel

To Chief Counsel, Washington.

Subject: Legal requirements in connection with voucher in favor of Charles R. Loomis, etc. Now concerning other grantors, as stated below - Rio Grande project.

1. Referring to letter from this office dated September 5, concerning possessory showing in case of land purchases covered by title guarantees, we have secured possessory certificates from the following:

Homer Wells.

Chas. L. Fomeroy.

Winchester Cooley (for Cooley & Peyton purchase).

2. These certificates are inclosed herewith, to be included with the proper papers sent in with the fiscal agent's returns, and we believe there will be no trouble identifying the respective grantors, as the date of the contract is stated in the certificate in each case.

incls. 3 certificates.

O F HARVEY

Copy to Dr.

Mills Building,
El Paso, Texas,
September 6, 1918.

Mr. Charles L. Pomeroy,
300 South El Paso Street,
El Paso, Texas.
Dear Sir:

With reference to the warranty deed by which you recently granted certain lands to the United States for canal right-of-way, our Department has called for a certificate as to your actual possession and that of your grantors immediately preceding you in possession of the land. This certificate is required for the reason that the title guaranty does not warrant as to adverse possession.

The enclosed certificate has been filled out for your signature and acknowledgment before a Notary. If you will kindly sign and acknowledge this and return it to this office, your action will be greatly appreciated. If you can call at this office, we shall be glad to have our notary here take your acknowledgment without charge to you.

You will note that we have left blank the place where the actual number of years that you have been in possession is to be stated. We would very much like to cover a period of ten years, but if you cannot certify as to this length of time, make it five years. Please fill in this blank according to your best information in the premises.

Regretting that we must again trouble you, but trusting that we may have prompt attention,

Very truly yours,



Assistant District Counsel.

MACO STEWART
PRESIDENT.

J. E. QUAID
ATTORNEY



TITLE GUARANTY

COMPANY

Offices

OF TEXAS

Houston - Dallas - Galveston - San Antonio - El Paso

El Paso, Texas, July 11, 1918

U. S. R. S.
Mills Bldg.

Mr P. M. Hunt

Dear Sir: -

The enclosed plat of the
Pomeroy land was not returned
to you with the Pomeroy Guaranty.
Same is being returned to you as
per your request.

With best wishes
Mabel.

CH

El Paso, Texas, July 2, 1918.

County Clerk for El Paso County,

El Paso, Texas.

Dear Sir:

Transmitted herewith for official record is warranty deed dated July 1, 1918, running from Chas. L. Pomeroy and wife to the United States of America.

Very truly yours,

P W DENT CPE

District Counsel.

incl.

POSSESSORY CERTIFICATE.

Rio Grande Project,
El Paso, Texas, July 1, 1918.

I, Geo. W. Hoadley, Field Assistant, United States Reclamation Service, certify that I have personally examined the land sought to be acquired by the United States from Charles L. Pomeroy in the E $\frac{1}{2}$ of SE $\frac{1}{4}$ sec. 26, T. 31 S., R. 6 E., U. S. Reclamation Service survey, El Paso County, Texas, for the Rio Grande Project, and that the said proposed Vendor was in actual, sole, and exclusive possession of the land, claiming to be the owner thereof, and no person claiming a right in such land adverse to the Vendor is in possession of any part of it.

Geo. W. Hoadley
Field Assistant.

THIS IS TO CERTIFY That upon personal inquiry made on July 1, 1918, at the office of the El Paso County Tax Collector, I was informed that the taxes assessed and due on the above described land were paid in full.

C. F. Harvey
Clerk.

POSSESSORY CERTIFICATE.

Rio Grande Project,
El Paso, Texas, July 1, 1918.

I, Geo. W. Hoadley, Field Assistant, United States Reclamation Service, certify that I have personally examined the land sought to be acquired by the United States from Charles L. Pomeroy in the E $\frac{1}{2}$ of SE $\frac{1}{4}$ sec. 26, T. 31 S., R. 6 E., U. S. Reclamation Service survey, El Paso County, Texas, for the Rio Grande Project, and that the said proposed Vendor was in actual, sole, and exclusive possession of the land, claiming to be the owner thereof, and no person claiming a right in such land adverse to the Vendor is in possession of any part of it.

GEO. W. HOADLEY

Field Assistant.

THIS IS TO CERTIFY That upon personal inquiry made on July 1, 1918, at the office of the El Paso County Tax Collector, I was informed that the taxes assessed and due on the above described land were paid in full.

C F HARVEY

Clerk.

CH

El Paso, Texas, June 28, 1918.

Mr. Charles L. Pomeroy,
300 South El Paso Street,
El Paso, Texas.

Dear Sir:

Inclosed is a warranty deed which yourself and Mrs. Pomeroy should execute and return as soon as possible. When this deed is returned and properly recorded, and when the title guaranty is received, we will be in a position to draw a check for the amount due you. We have ordered title guaranty, to be paid for by this Service and deduction therefor made from the amount of your voucher, this being our understanding of the manner in which you wished us to proceed with this transaction.

A 50-cent internal revenue stamp will be required on this deed, which do not forget.

Very truly yours,

F W DENT CFB

District Counsel.

incls

CH

El Paso, Texas, June 23, 1918.

Stewart Title Guarantee Company,

El Paso, Texas.

Gentlemen:

Inclosed is copy of warranty deed which we are to-day calling upon Mr. Pomeroy to execute, together with a blueprint showing the Government right of way and adjoining owners. The land is in the Ysleta Grant. It is requested that title guaranty be prepared for the right of way to be granted in the attached deed, and the Reclamation Service will pay you for this guaranty.

Please return copy of the deed and the blueprint when you have finished with them.

Very truly yours,

P W DENT CKH

District Counsel.

2 incls.

El Paso, Texas, Feb. 4, 1918.

Mr. Chas. L. Pomeroy,
300 South El Paso st.,
El Paso, Texas.

Dear Sir:

This is to advise you that your agreement to sell certain land to the United States for right of way - Juan d'Herrera Lateral System, has been approved.

According to article 2 of the agreement, you agreed to furnish an abstract of title covering the proposed purchase, and you are therefore requested to have one prepared at your earliest convenience and forward same to this office for examination.

After such abstract of title has been examined, and title found satisfactory, warranty deed will be mailed you for execution.

Very truly yours,

Asst. District Counsel.

El Paso, Texas, Feb. 4, 1918.

The County Clerk,
El Paso, Texas.

Dear Sir:

Herewith is inclosed original agreement to sell between Chas.L. Pomeroy et ux and the United States, referring to proposed purchase of land for right of way - Juan d'Herrera Later System.

Please record same which will be called for in due time.

Very truly yours,

Asst. District Counsel.

CERTIFICATE.

I HEREBY CERTIFY That the land described in attached agreement dated January 5, 1918, with CHAS. L. POMEROY and wife, is necessary for purposes authorized by the Reclamation Act, viz: for right of way for the reconstruction of Juan d'Herrera Lateral, Rio Grande Project, New Mexico-Texas. In my opinion the consideration agreed upon is reasonable and I recommend that the contract be approved.

Project Manager.

El Paso, Texas.
January 8, 1918.

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

El Paso, Texas, January 8, 1918.

Project Manager to the Director and Chief Engineer (through Chief of Construction).

Subject: Forwarding contract for approval.

Agreement dated **January 5, 1918.** **Rio Grande** Project.

Executed by **L. M. LAWSON, Project Manager,**

With **CHAS. L. POMEROY and wife.**

Estimated amount involved, \$ **140.00** (See Gen'l Order No. 124)

Purpose of agreement: **Acquisition R/W Juan d'Herrera Lateral.**
(See instructions on back, Pars. 4 and 5)

Authority No.5G-6.

Denver, Colo., Jan. 19, 1918.

Respectfully referred to Director, Washington, for approval. *R. Hunter*
Encls.

Orig. & 2 copies of contract,
" & 3 " of fm. letter, Acting Chief of Construction.
Original report on land agreement; also certificate of Project Manager, and blue print, attached to Director's copy of Original and one copy of bond herewith. (Strike out if no bond transmitted.) **Contract.**

Advise Chief of Construction, Denver, Colorado, and Project Manager at El Paso, Texas,

and District Counsel at El Paso, Texas. of the approval of the above.

Incs. L. M. LAWSON,
Orig. & 3 copies agmt. (Signature.)
Cert. P.M.
Report on Land Agreement.
2 Blue Prints.

(The blanks below to be filled in the Washington Office.)

Approved by **Morris Bien, Acting Director**

Date of approval **JAN 23 1918**

Bond, if any, approved by same officer on same date

Original enclosed for review

JAN 23 1918 76042

Morris Bien, Acting Director

El Paso

Approved May 27, 1910, by the Secretary of the Interior.

Form 7-276 12-11

THIS AGREEMENT, made this 8th day of January nineteen hundred and eighteen between CHAS. L. POMEROY and CARMELITA A. POMEROY, his wife, of EL PASO County, TEXAS, for them, their heirs, legal representatives, and assigns, hereinafter styled the vendor, and the United States of America and its assigns by

L. M. LAWSON, Project Manager, United States Reclamation Service, thereunto duly authorized by the Secretary of the Interior, pursuant to the act of June 17, 1902 (32 Stat., 388),

WITNESSETH:

1. The vendor in consideration of the benefits to be hereafter derived from the construction of irrigation works through, upon, or in the vicinity of the lands hereinafter described, of the promises and covenants of the United States herein contained, and of the payment to the vendor by the United States of the sum of one (\$1.00) dollar, the receipt whereof is hereby acknowledged, does hereby agree, upon the terms and conditions hereinafter stipulated, to sell and by good and sufficient deed to convey to the United States of America the following-described real estate and property situated in

the county of El Paso State of Texas, to wit:

A tract of land situated in the E1/2 of Section 26, Township 31, South, Range 6 East, U.S.S.S. Survey, Yelata (Texas) Grant, being all the land owned by Vendors included in a tract of land 60 feet wide lying 30 feet on each side of a center line described as follows: Beginning at Sta. 213+76.4 of said center line a point on the property line between Vendors and R. B. Homan, said property line bearing North 52°53' East and South 45°48' West from which point a concrete post the Northwest corner of Vendors' tract of land bears South 45°48' East 46 feet and the Southeast corner of Section 26, Township 31 South, Range 6 East lies South 1250.7 feet and East 834.3 feet; thence South 44°55'30" East 179.8 feet; thence to the right along the arc of a curve tangent to the last course and having a radius of 297.9 feet a distance of 106 feet; thence South 23°43' 30" East 573.7 feet; thence to the left along the arc of a curve tangent to the last course and having a radius of 627.3 feet, a distance of 105.7 feet; thence South 33°14'30" East 242.1 feet to Sta. 225+83.4 of said center line a point on the property line of Vendors and Chas. Davis, said property line bearing North 46°38' 30" East from which point a concrete post common to the corners of Vendors R. B. Homan, Chas. Davis and J. R. Guerra tracts of land, bears South 46°38'30" East 13.6 feet and the Southeast corner of Section 26, Township 31 South, Range 6 East lies South 215.8 feet and East 234 feet; said tract of land containing one and forty-nine hundredths (1.49) acres, more or less.

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands the day and year first above written.

Witnesses :

.....
of

CHAS. L. POMEROY

.....
of

Carmelita A. Pomeroy

Vendor.

.....
of

L. M. LAWSON,

For and on behalf of the United States.

.....
of

STATE OF Texas }
COUNTY OF El Paso } ss :

I, LYCURGUS LUCY, a NOTARY PUBLIC

in and for said county, in the State aforesaid, do hereby certify that CHAS. L. POMEROY

who is personally known to me to be the person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he

signed, sealed, and delivered said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

I further certify that I did examine the said CARIELITA A. POMEROY separate and apart from her husband, and explained to her the contents of the foregoing instrument, and upon that examination she declared that she did voluntarily sign, seal, and acknowledge the same without any coercion or compulsion, and do not wish to retract the same.

Given under my hand and official seal, this 5th day of January, 1918.

[SEAL.]

LYCURGUS LUCY

My commission expires June 30, 1919. Notary Public, El Paso Co. Texas.

Approved [Signature], 1918

[Signature]

REPORT ON LAND AGREEMENT

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

INFORMATION relating to agreement made **January 5**, 1918, with
CHAS. L. POMEROY and wife

for the purchase of land required for **right of way - Juan d'Herrera Lateral System -**
purposes, **Rio Grande** Project, **El Paso**
County, **Texas.**

1. State description and approximate area of land to be conveyed.

1.49 acres. See description in agreement to sell herewith.

2. State nature, number, and date of entry by which it was acquired under public land laws, also date of final certificate and patent, if such have been issued.

Ysleta Town Grant.

3. State names of the owners, post-office addresses, and county and State of residence. Give names of wives and husbands; if unmarried, widow, or widower, so state.

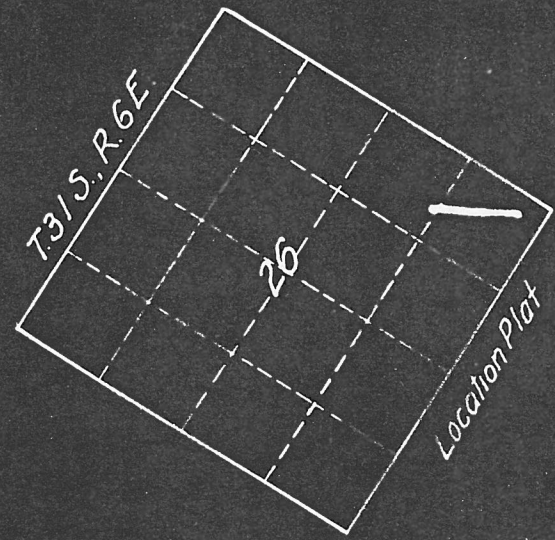
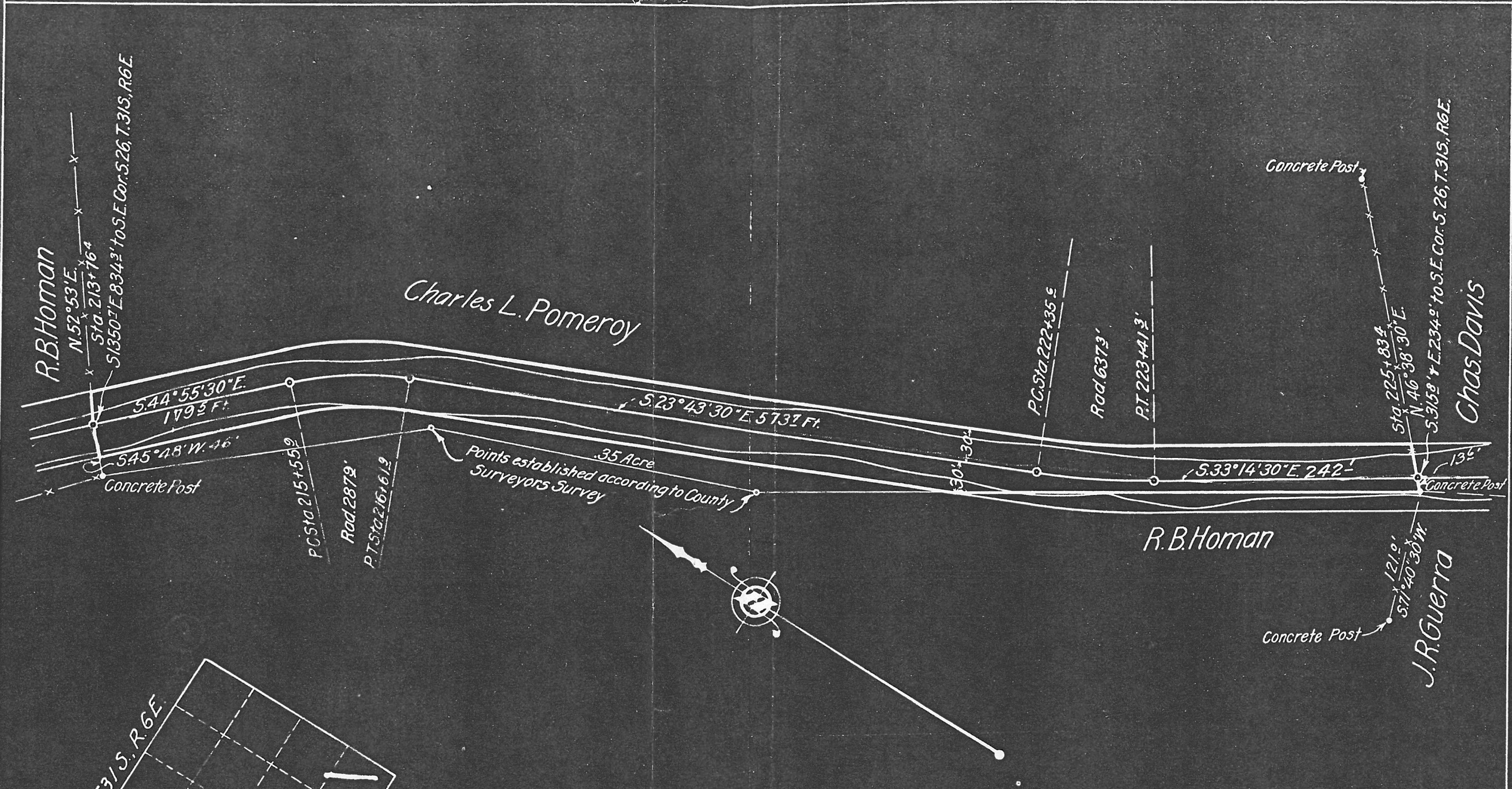
**CHAS. L. POMEROY and wife - Address: 300 S. El Paso st.,
El Paso, Texas.**

4. State who is in possession of the premises to be conveyed, or of any part thereof, and if a tenant, give his name and post-office address. If the land is held under a lease, state the general terms of the lease, and the date when the tenant is to give up possession.

Owners are in possession.

5. Also state whether land is subject to right of way by virtue of contract with water users' association or other agreement.

Land is subject to right of way by virtue of contract with El Paso Valley Water Users' Association.



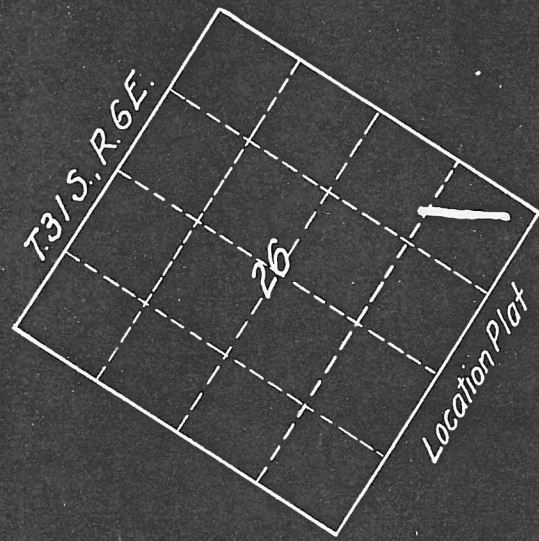
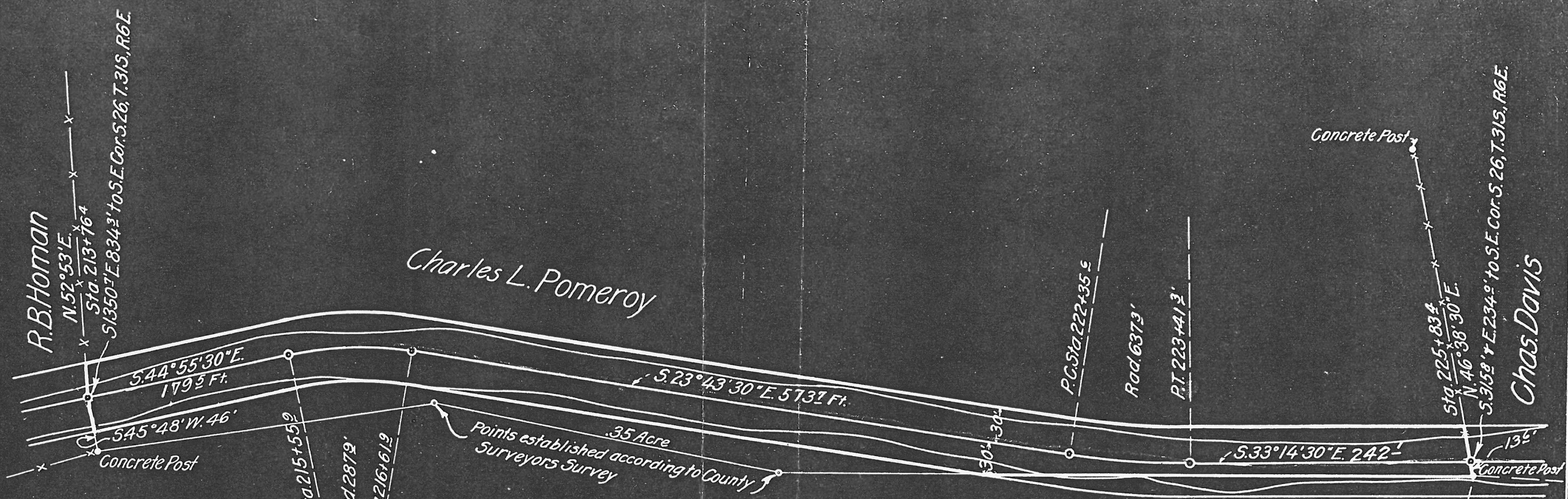
RIGHT OF WAY
THROUGH PROPERTY OF
CHARLES L. POMEROY
1.49 ACRES
 In the E½ of S.E.¼ Sec. 26, T.31S., R.6E.
 U.S. R.S. Survey, Isleta Grant,
 El Paso County, Texas.

Scale 1" = 100'

DEPARTMENT OF THE INTERIOR,
 UNITED STATES RECLAMATION SERVICE
RIO GRANDE PROJECT N.M. & TEX.
JUAN D'HERRERA LATERAL
RIGHT OF WAY

Drawn by GAT Recommended
 Checked C.W.H. Approved

897L 61 El Paso, Texas, Dec. 21/17



RIGHT OF WAY
THROUGH PROPERTY OF
CHARLES L. POMEROY
1.49 ACRES
 In the E½ of S.E¼ Sec. 26, T.31S., R.6E.
 U.S.R.S. Survey, Ysleta Grant,
 El Paso County, Texas.

Scale 1" = 100'

DEPARTMENT OF THE INTERIOR
 UNITED STATES RECLAMATION SERVICE
RIO GRANDE PROJECT N.M.&TEX.
 JUAN D'HERRERA LATERAL
 RIGHT OF WAY

Drawn by GAT. Recommended
 Checked G.W.H. Approved

897L61 El Paso, Texas Dec. 21/17

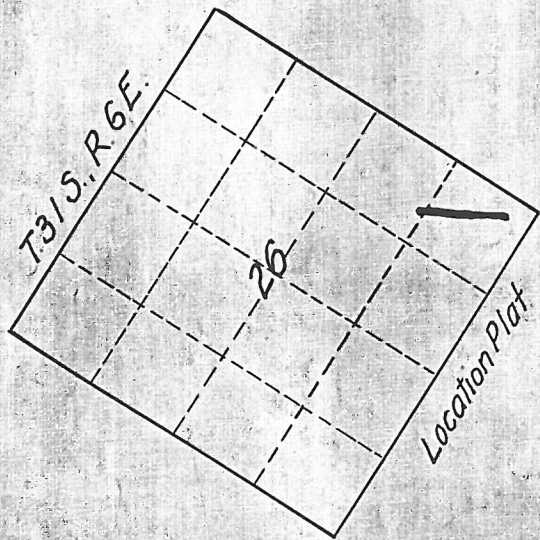
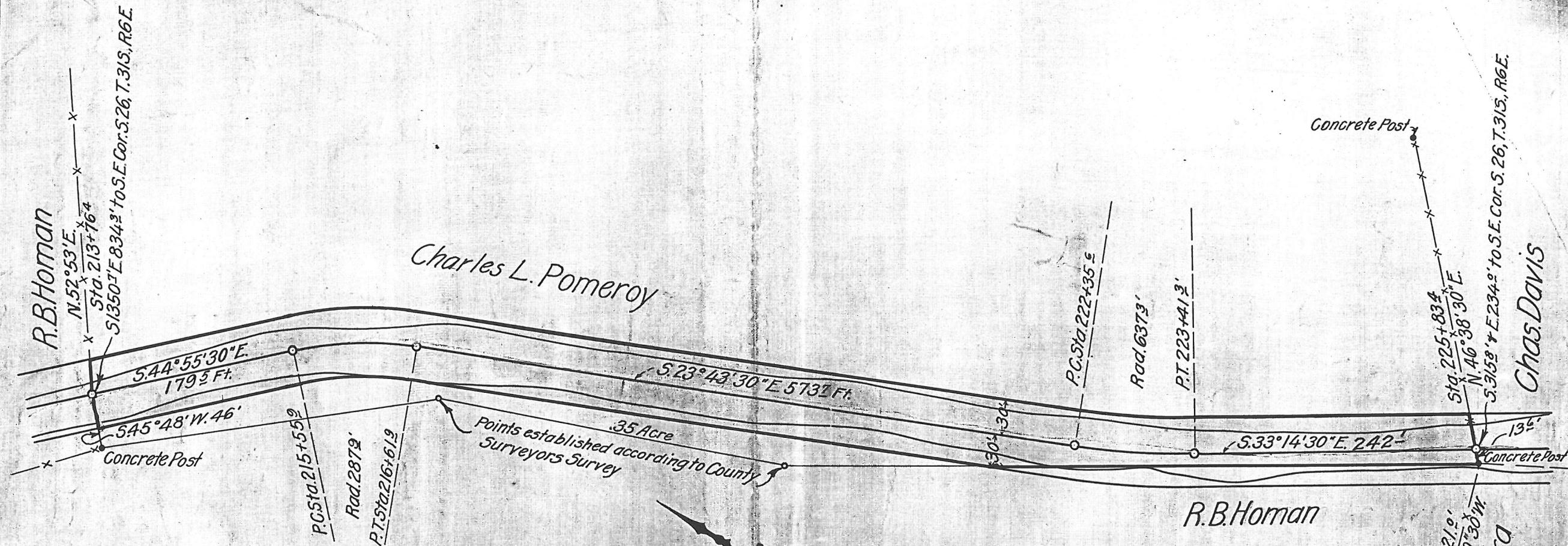
R.B.Homan

Charles L. Pomeroy

R.B.Homan

J.R.Guerra

Chas.Davis



W.D. 7/1/18
 Recorded 7/10/18
 Book 322 Pg 57

**RIGHT OF WAY
 THROUGH PROPERTY OF
 CHARLES L. POMEROY**

1.49 ACRES
 In the E½ of S.E¼ Sec 26, T.31S., R.6E.
 U.S.R.S. survey, Isleta Grant,
 El Paso County, Texas

Scale 1"=100'

DEPARTMENT OF THE INTERIOR
 UNITED STATES RECLAMATION SERVICE
RIO GRANDE PROJECT N.M.&TEX.
 JUAN D'HERRERA LATERAL
 RIGHT OF WAY

Drawn by G.A.T. Recommended
 Checked by W.H. Approved

897L61 El Paso, Texas, Dec. 2/17